



The U.S. SLAB Regulatory Framework

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Why Maximize Battery Recycling?

- Encourage reuse of valuable materials
- Avoid creation of environmental disasters from mishandling junks
- Break linkage between recycling rate and spot price of lead
- Assure constant supply of feedstock for battery manufacturers

Three Key Elements

- RCRA Regulation (rules promulgated in 1980)
 1. Universal Waste Rule promulgated 1995
- Superfund liability (enacted in 1980)
 1. Recycling exemption enacted 1999
- State Recycling Laws
 1. Beginning in 1988

RCRA Battery Recycling Provisions

- 40 C.F.R. § 266.80
 1. In regulations since first promulgation in 1980
 2. Generators exempt from regulation if batteries sent for recycling
 3. Storage at secondary smelters is regulated
- Universal Waste Rule – 40 C.F.R Part 273
 1. Promulgated in 1995
 2. Alternative exemption (attractive re: small sealed lead batteries)

Superfund Liability Impacts

- Many battery manufacturers faced liabilities from old recycling facilities: some real, some fraudulent
- Section 127(e) (42 U.S.C. § 9627(e)), adopted in 1999. further incentivized bona fide recycling – liability exemption if:
 1. In compliance with recycling regulations
 2. “Objectively reasonable basis” to expect recycling
 3. Exercised reasonable care

The “BCI Model” Product Stewardship Law

- First developed by BCI almost 25 years ago
- Promoted on state level; now >90% of U.S. population lives in states that have adopted it.
- Was included in broader federal lead legislation a decade ago, but that legislation failed because of other provisions

BATTERY COUNCIL INTERNATIONAL

PROPOSED MODEL BATTERY RECYCLING LEGISLATION

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF _____

Section 1. LEAD-ACID BATTERIES;
LAND DISPOSAL
PROHIBITED.

(a) No person may place a used lead-acid battery in mixed municipal solid waste, in any landfill, or municipal solid waste incinerator.

(b) No person shall dispose of a used lead-acid battery except by delivery to a retailer or wholesaler, or to a secondary lead smelter, or to a collection or recycling facility authorized under the law of (state) or by the U.S. Environmental Protection Agency.

(c) No retailer shall dispose of a used lead-acid battery except by delivery to the agent of a wholesaler or a secondary lead smelter, or to a battery manufacturer for delivery to a secondary lead smelter, or to a collection or recycling facility authorized under the law of (state) or by the U.S. Environmental Protection Agency.

(d) Each battery improperly disposed of shall constitute a separate violation.

(e) For each violation of this section a violator shall be subject to a fine not to exceed \$_____ and/or a prison term not to exceed _____ days (as appropriate under state code).

Section 2. LEAD-ACID BATTERIES;
COLLECTION FOR
RECYCLING.

A retailer selling replacement lead-acid batteries in the state shall:

(a) Accept from customers, at the point of transfer, used lead-acid batteries of the same general type and in a quantity at least equal to the number of new batteries purchased, if offered by customers;

(b) Collect a deposit of at least \$10.00 on the sale of an automotive type replacement lead-acid battery that is not accompanied by the return of a used lead-acid battery of the same general type. All deposits shall inure to the benefit of the retailer unless the person paying the deposit pursuant to this subsection returns a used automotive lead-acid battery to the retailer within thirty days of the date of sale, in which case the deposit shall be returned to the customer; and

(c) Post written notice which must be at least 8-1/2 inches by 11 inches in size and must contain the universal recycling symbol and the following language:

(1) "It is illegal to discard a used lead-acid battery.";

(2) "Recycle your used batteries."; and

(3) "State law requires us to accept used lead-acid batteries for recycling in exchange for new batteries purchased."

Section 3. INSPECTION OF BATTERY
RETAILERS.

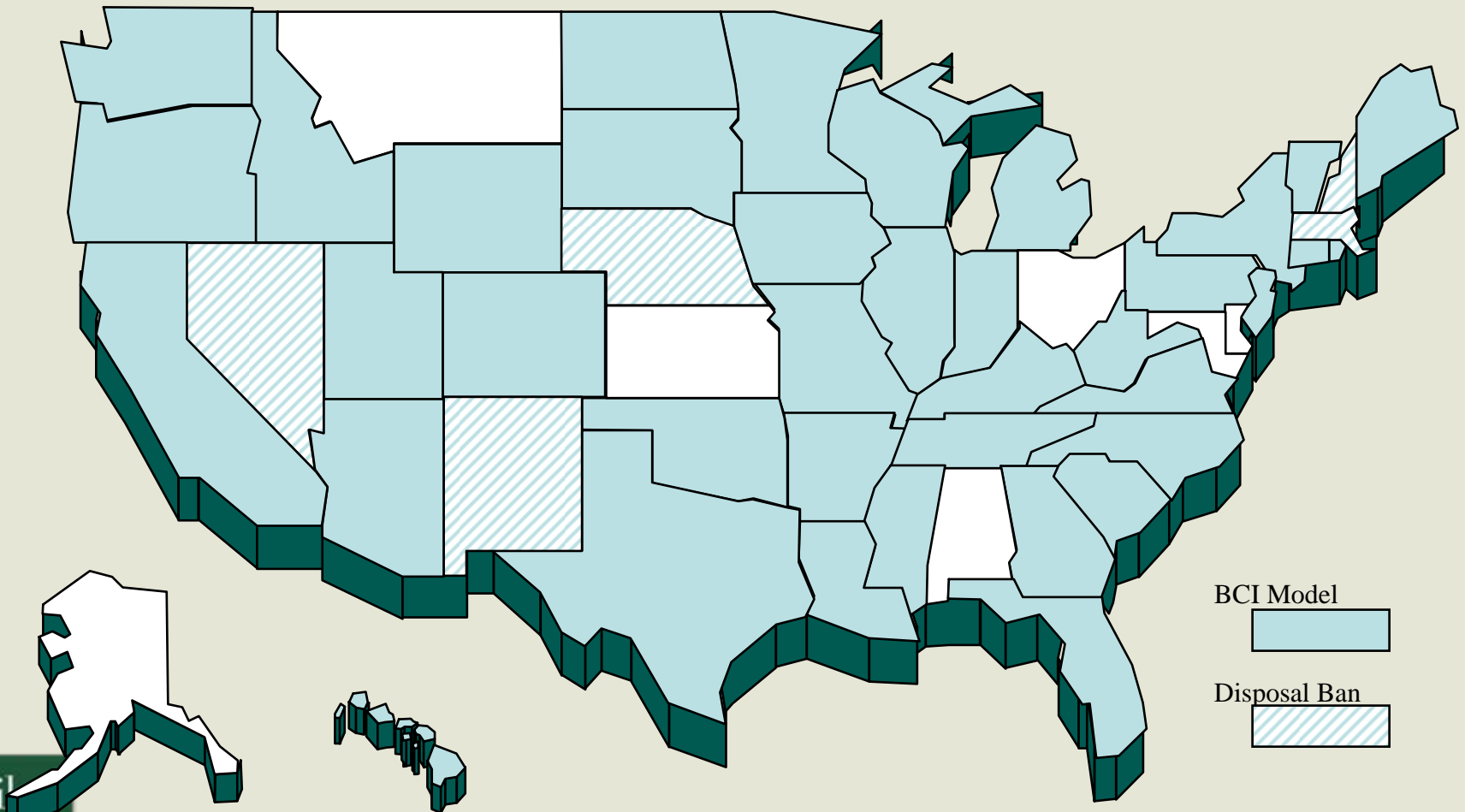
The (appropriate state agency) shall produce and print the notices required by Section 2 and shall distribute such notices to all places where replacement lead-acid batteries are offered for

Key Elements of BCI Model

- Ban on disposal
- Deposit in lieu of trade (discount upon purchase)
- Retailer must take back junks from consumer
- Wholesalers/manufacturers must take back junks from retailers
- Junks must go to secondary smelter

State Pb Battery Recycling Laws

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For Further Information

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